

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HOLMAN AUTOMOTIVE GROUP, INC., a
Delaware corporation, d/b/a RED HOLMAN
PONTIAC GMC,

Plaintiff,

v.

CASE NO. 05-72620
HON. LAWRENCE P. ZATKOFF

CAPPO MANAGEMENT XVII, INC., a
Michigan corporation, d/b/a VICTORY TOYOTA,
and CAPPO MANAGEMENT XI, INC., a Michigan
corporation, d/b/a VICTORY TOYOTA,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed its First Amended Complaint on September 29, 2005. Plaintiff's Amended Complaint contains the following four counts:

Count I	Lanham Act Violation, 15 U.S.C. 1125;
Count II	Violation of Michigan Consumer Protection Act, MCL 445.901;
Count III	Defamation;
Count IV	Tortious Interference.

The Court has subject matter jurisdiction over Plaintiff's Lanham Act claim (Count I), because it arises under federal law. *See* 28 U.S.C. § 1331. Counts II through IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the

undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims of Violation of Michigan Consumer Protection Act (Count II), Defamation (Count III), and Tortious Interference (Count IV) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's Lanham Act claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 3, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 3, 2005.

s/Marie E. Verlinde

Case Manager

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